

REMARKS

Claims 1, 4-8, 10-24, 41 and 43 are currently pending noting that claims 1, 4-8, 10-19, 41 and 43 are considered to be allowed. Claims 20-24 stand rejected.

Claim 15 is rejected under 35 U.S.C. 112 second paragraph as being substantially identical with claim 14. Claim 15 has been requested to be cancelled.

Applicant provides the following distinctive aspects of each of claims 14 and 15 with respect to the means by which they serve to modify the broader disclosure of claim 13. Ultimately, Applicant submits that there is a proper basis for maintaining each of claims 14 and 15 so as to properly recite the limitations they serve to define with respect to claim 13.

Claims 14 and 15 stand rejected under 35 U.S.C. 112 second paragraph as it is asserted that these claims are substantial duplicates in that the only difference is the use of the term organometallic compound vs. organic silicon compound, but this is negated by the use of the same formula, general formula 4. Claim 15 was requested to be cancelled. Applicant states that each of claims 14 and 15 recites a different embodiment such that claim 15 recites or includes a specific embodiment of the composition, wherein the composition contains a hydrolyzed polycondensate of the (1) organic-inorganic hybrid polymer which is obtainable by copolymerizing an organic silicon compound represented by the general formula 3 and a monomer having an ethylenically unsaturated bonding and/or the hydrolyzed polycondensate of said organic-inorganic hybrid polymer and (2) the organic silicon compound represented by the general formula 4.

Claim 14 defines a mixture of: an organic-inorganic hybrid polymer which is obtained by copolymerizing an organic silicon compound represented by the general formula 3 and a monomer having an ethylenically unsaturated bonding and a hydrolyzed polycondensate of said

organic-inorganic hybrid polymer; and an organic silicon compound represented by the general formula 4. In other words, claim 14 positively recites that hydrolysis and polycondensation of an organic-inorganic hybrid polymer which is obtainable by copolymerizing an organic silicon compound represented by the general formula 3 and a monomer having an ethylenically unsaturated bonding and/or a hydrolyzed polycondensate of said organic-inorganic hybrid polymer and an organic silicon compound represented by the general formula 4, which has not yet been reacted.

Conversely, claim 15 separately recites the hydrolysis and polycondensation of the organic-inorganic hybrid polymer which is obtained by copolymerizing an organic silicon compound represented by the general formula 3 and a monomer having an ethylenically unsaturated bonding and/or the hydrolyzed polycondensate of said organic-inorganic hybrid polymer and the organic silicon compound represented by the general formula 4, which has already been reacted.

The prepared composition includes the following embodiments:

(i) A mixture of an organic-inorganic hybrid polymer which is obtainable by copolymerizing an organic silicon compound represented by the general formula 3 and a monomer having an ethylenically unsaturated bonding and/or a hydrolyzed polycondensate of said organic-inorganic hybrid polymer, and an organic silicon compound represented by the general formula 4;

(ii) A hydrolyzed polycondensate of the organic-inorganic hybrid polymer which is obtainable by copolymerizing an organic silicon compound represented by the general formula 3 and a monomer having an ethylenically unsaturated bonding and/or the hydrolyzed

polycondensate of said organic-inorganic hybrid polymer and the organic silicon compound represented by the general formula 4; and

(iii) A mixture of the above-mentioned embodiment (i) and the above-mentioned embodiment (ii).

Therefore, it is submitted that claim 14 can stand alone and not include or incorporate the technical features of claim 15 as each claim provides distinct protection for the broader recitation of independent claim 13.

Claim 20 has been amended to incorporate the language "the organometallic particle contains one or more metals selected from the group consisting of Ti, Zr, Zn, In and Sn." Appropriate basis for this limitation is found throughout the specification as well as in allowed claim 13.

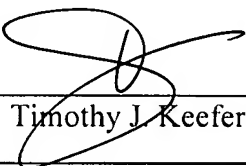
In view of the aforesaid, Applicant submits that the entire application as defined in the pending claims is allowable. As claim 20 has been amended to now recite patentable subject matter, claims 21-24 dependent thereon are also submitted to be allowable.

No new matter has been added by way of any amendment(s).

Applicant requests favourable reconsideration and an early indication of allowance.

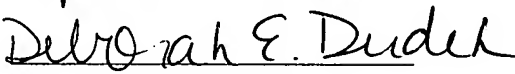
Respectfully Submitted,

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<p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this paper is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop: Fee Amendment.</p> <p>Date: <u>April 30, 2007</u></p> <p> _____ Deborah E. Dudek</p>
